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March 18, 2020

VIA ECF FILING

The Hon. James K. Bredar
U.S. District Court for the District of Maryland
101 W. Lombard St.
Baltimore, Maryland 21201

Re: *United States v. Ahmad Kazzelbach*, Crim. No. JKB-19-530

Dear Chief Judge Bredar:

I am writing to request a postponement of sentencing in this matter, due to delays in preparation associated with COVID-19, described more fully below. The government consents to this request.

On January 16, 2020, Mr. Kazzelbach appeared before Your Honor and pled guilty to one count of cyberstalking and one count of intentional damage to a protected computer. At that time, sentencing was scheduled for May 1, 2020. The Court continued Mr. Kazzelbach on pretrial release pending sentencing.

At the arraignment, the Court gave defense counsel notice that it was considering an upward departure from the guidelines, notwithstanding the cap agreed to by the parties as part of Mr. Kazzelbach's plea agreement. The Court further stated that it was interested in hearing at sentencing from a credible expert in the behaviors exhibited by Mr. Kazzelbach.

In light of the Court's comments, shortly after the guilty plea, defense counsel retained an expert in stalking behaviors to conduct an assessment of Mr. Kazzelbach. That expert is located in New York. The earliest date he was available to see Mr. Kazzelbach for an in-person evaluation was March 18, 2020. An assessment was scheduled for that date, to take place in the Office of the Federal Public Defender in Baltimore.

Since that assessment was scheduled, the COVID-19 public health crisis has arisen, resulting in declaration of a national emergency by the President of the United States; restrictions on travel and movement throughout the nation; closures and limitations on court proceedings;

and an array of other effects on all aspects of civil life. The Court is well familiar with this ongoing issue and therefore a detailed recitation of the relevant facts will not be provided here.

The COVID-19 crisis has prevented our expert from traveling to Baltimore from New York to conduct an in-person assessment of Mr. Kazzelbach. In light of the uncertain trajectory and duration of the public health crisis, it is unclear when we will be able to reschedule the expert evaluation. It seems unlikely that we will be able to do so in time to be fully prepared for the May 1 sentencing date. Sentencing memos and associated disclosures are currently due April 17.

Candidly, undersigned counsel cannot be certain, at this juncture, that our expert's assessment will be helpful to our position at sentencing (and, typically, counsel would not reveal these uncertain details of defense strategy at this stage). However, in light of the Court's remarks at the arraignment, we feel that it is necessary to complete this process in a good faith effort to address the concerns raised by the Court.

For these reasons, the defense requests that the Court postpone the May 1 sentencing date. We respectfully propose that the Court schedule a status call in a few weeks, when hopefully the timeline will be clearer, to determine a new sentencing date. I have conferred with AUSA Jeffrey Izant, who stated that the government consents to this request.

Respectfully submitted,

/s/

Elizabeth G. Oyer

cc (via ECF): Jeffrey Izant, AUSA
Michael Cunningham, AUSA